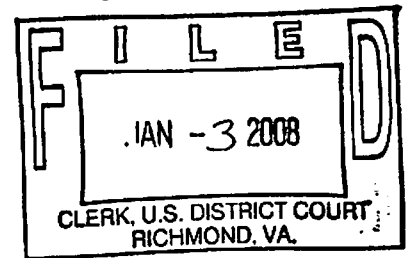


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division



**JOHNNI LEON,**

Plaintiff,

v.

Civil Action No. **3:07CV289**

**PETER D. ELIADES,**

Defendant.

**MEMORANDUM OPINION**

Plaintiff, a federal inmate, filed this *Bivens*<sup>1</sup> action. By Memorandum Opinion and Order entered on November 5, 2007, the Court dismissed the action because Plaintiff had failed to state a claim upon which relief could be granted. Specifically, the Court concluded that Defendant, Plaintiff's court appointed attorney, was not a federal official for purposes of a *Bivens* action. *See Cox v. Hellerstein*, 685 F.2d 1098, 1099 (9th Cir. 1982); *Bagguley v. Cogburn*, Nos. 89-7102, 89-7103, 1990 WL 139323, at \*1 (4th Cir. Sept. 26, 1990). On December 4, 2007, Plaintiff filed a notice of appeal and a motion to amend his complaint. Plaintiff fails to specify how he could amend his complaint to state a proper cause of action. Accordingly, Plaintiff's motion to amend will be DENIED.

An appropriate Order shall issue.

/s/  
**Richard L. Williams**  
**United States District Judge**

Date: JAN - 3 2008  
Richmond, Virginia

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<sup>1</sup>*Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971).